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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,849	11/24/2003	John H. Drew II	BMA2342	2950

34356 7590 06/17/2004
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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/719,849

Applicant(s)

DREW, JOHN H.

Examiner

Christopher Boswell

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,082,049 to Hudson.

Hudson discloses a deadbolt reinforcing plate (figure 4) with a central portion (4) including a width extending across a framing stud (16), the central portion has a slot (21) formed therein, a plurality of opposed sidewalls (2 and 6) integral with the central portion, the sidewalls being substantially parallel, where the sidewalls have a plurality of holes (23), and a plurality of fastening members (column 2, lines 64-67) removably insertable into the plurality of holes and for securing the plate to a framing stud adjacent a door frame, as in claim 1.

Hudson also discloses the slot of the central portion has a substantially rectangular shape (figure 4), as in claim 4, and the central portion and the sidewalls form a substantially U-shape (column 2, lines 48-51), as in claim 5, as well as the plurality of sidewalls extend outwardly and away from the central portion and a door frame (figure 4), as in claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3676

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudson, as applied above, in view of U.S. Patent Number 2,713,506 to Wickstrom.

Hudson discloses the invention substantially as claimed. Hudson discloses a deadbolt reinforcing plate (figure 4) with a central portion (4) including a width extending across a framing stud (16), the central portion has a slot (21) formed therein, a plurality of opposed sidewalls (2 and 6) integral with the central portion, the sidewalls being substantially parallel, where the sidewalls have a plurality of holes (23), and a plurality of fastening members (column 2, lines 64-67) removably insertable into the plurality of holes and for securing the plate to a framing stud adjacent a door frame. However, Hudson does not disclose the central portion is comprised of male and female portions. Wickstrom teaches an adjustable latch keeper with a male portion (12) and a female portion (11) in the analogous art of dead bolt receiving plates for the purpose of adjusting the width of the latch keeper to fit any existing or conventional lock set and to greatly simplify the installation and maintenance of the latch keeper (column 1, lines 7-11). It would have been obvious to one with ordinary skill in the art at the time the invention was made to construct the dead bolt reinforcing plate of Hudson out of two portions, one being a female portion slidably receiving a narrower male portion, where each portion would contain part of the central portion and a sidewall in order to adjusting the width of the latch keeper to fit any existing or conventional lock set and to greatly simplify the installation and maintenance of the dead bolt reinforcing plate.

Art Unit: 3676

Hudson also discloses the slot of the central portion has a substantially rectangular shape (figure 4), as in claim 9, and the central portion and the sidewalls form a substantially U-shape (column 2, lines 48-51), as in claim 10, as well as the plurality of sidewalls extend outwardly and away from the central portion and a door frame (figure 4), as in claims 11 and 12.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to dead bolt receiving plates:

U.S. Patent Number 5,566,995 to Jagiela, U.S. Patent Number 5,127,690 to Kim et al., U.S. Patent Number 4,862,658 to Barker et al., U.S. Patent Number 4,489,968 to Easley, U.S. Patent Number 4,021,880 to Murphy, U.S. Patent Number 3,934,910 to Radke, U.S. Patent Number 3,764,173 to Griffith, U.S. Patent Number 3,673,605 to Allenbaugh, U.S. Patent Number 2,695,807 to Bissot, U.S. Patent Number 2,127,891 to Starling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is fluid and cursive, with the first name "Daniel" and last name "Stodola" clearly legible, and the middle initial "P." in between.

CJB
June 9, 2004

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600